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1978

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Friday, 12th May 1978 / 22nd Vaisakha 1900 [No. 318

GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 7286/Leg. (B1)/78/Law. *Dated, Trivandrum, 12th May, 1978/ 22nd Vaisakha, 1900.*

The following Ordinance promulgated by the Governor on the 12th day of May, 1978, is hereby published for general information.

By order of the Governor,

K. Viswanathan Nair,

Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/1585/MC.

ORDINANCE NO. 15 OF 1978

THE PUBLIC PROPERTY (PREVENTION OF DESTRUCTION AND LOSS) ORDINANCE, 1978

Promulgated by the Governor of Kerala in the Twenty-ninth Year of the Republic of India.

AN

ORDINANCE

to provide for punishment of certain acts in respect of public property.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Public Property (Prevention of Destruction and Loss) Ordinance, 1978.

(2) It shall come into force at once.

2. *Punishment for committing mischief in respect of public property.*—Whoever attempts to commit or commits or instigates, incites or otherwise abets the commission of, mischief within the meaning of section 425 of the Indian Penal Code (Central Act 45 of 1860), in respect of public property shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which may extend to two thousand rupees.

Explanation.—For the purposes of this section, "public property" means any property owned or controlled by the Government or by the Kerala State Electricity Board or by the Kerala State Road Transport Corporation or by any other Corporation owned or controlled by the Government.

JOTHI VENCATACHELLUM,
GOVERNOR.

Government of Kerala
1978

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Friday, 12th May 1978 / 22nd Vaisakha 1900 [No. 322

GOVERNMENT OF KERALA

Food (B) Department

NOTIFICATION

No. 4234/B1/78/Food. *Dated, Trivandrum, 12th May, 1978.*

S. R. O. No. 420/78. Whereas the Government of India have issued the Tea (Registration of Dealers and Declaration of Stocks) Order, 1978, Published as S. O. 271 (E) dated the 15th April, 1978 in Part II, Section 3, sub section (ii) of the Gazette of India Extra ordinary dated the 15th April, 1978;

And whereas clause 3 of the said Order *interalia* provides that after the expiration of a period of 30 days from the coming into force of the said Order, no person shall, if the Stocks of tea in his possession exceed 1,000 kilograms, carry on business as a dealer unless he is registered as such in accordance with the provisions of a State Order;

Now, therefore, in exercise of the powers conferred by sub sections (1) and (2) of section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Order of the Government of India in the Ministry of Agriculture (Department of Food) No. G. S. R. 316 (E) dated the 20th June, 1972, published in the Gazette of India Extraordinary

Part II, section 3, subsection (i) dated the 20th June, 1972 and G. S. R. 452 (E) dated the 25th October, 1972, Published in the Gazette of India Extraordinary Part II, section 3, sub section (i) dated the 25th October, 1972 the Government of Kerala hereby make the following Order, namely:—

ORDER

1. *Short title, extent and commencement.*—(1) This Order may be called the Kerala Tea (Registration of Dealers and Declaration of Stocks) Order, 1978.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Order, unless the context otherwise requires,—

(a) "commission agent" means a commission agent having in the customary course of business as such agent authority either to sell tea, or to consign tea for the purposes of sale or to buy tea;

(b) "dealer" means a dealer in tea, and includes a broker, commission agent, manufacturer and a Warehouse keeper;

(c) "tea" means the plant Camellia Sinensis (L) O. Kuntze as well as all varieties of the product known commercially as tea made from the leaves of the said plant, including green tea;

(d) "Warehouse keeper" means a person who owns or maintains a warehouse wherein tea is stored for the purposes of sale either by auction or otherwise;

(e) "Government" means the Government of the State of Kerala;

(f) "District Supply Officer" means the District Supply Officer o the concerned District.

(g) "Commissioner of Civil Supplies" means the Commissioner of Civil Supplies of the State.

(h) words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Tea Act, 1953 (29 of 1953).

3. *Registration of dealers.*—On or after the 15th day of May, 1978, no person shall, if the stocks of tea in his possession exceed 1,000 kilogram, carry on business as a dealer unless he is registered as such in accordance with the provisions of this Order.

4 *Application for registration.*— (i) Every dealer whose stocks of tea in his possession exceed 1,000 kilograms shall apply in "Form A" appended to this order, to the District Supply Officer for registration as a dealer with a Registration fee of Rs. 50.

(ii) On receipt of the application the District Supply Officer shall issue a Certificate of Registration in "Form B" appended to this order, which will be valid for a period of two years; provided that the District Supply

Officer may for reasons to be recorded in writing and after giving the dealer concerned an opportunity of stating his case, refuse to grant a certificate of registration.

5. *Renewal.*—The Certificate of Registration is renewable in every two years which shall be in "Form B" appended to this order on payment of a renewal fee of Rs. 50 for each renewal:

Provided that it will be open for a dealer to apply for and obtain renewals for multiples of two year periods on payment of proportionate renewal fees:

Provided further that no portion of the renewal fee shall be liable to be refunded under any circumstances.

6. *Returns.* Every dealer shall furnish a fortnightly return in "Form C" appended to this Order, to the District Supply Officer or to such other Officer as may be prescribed by the Commissioner of Civil Supplies in this behalf by notification in the Official Gazette, in respect of such stocks of tea held by him as are in excess of 1,000 Kilograms.

7. *Deposit of Security.*—Every dealer who is granted a Certificate of Registration shall, before the certificate is issued to him, deposit Rs. 1,000 with the District Supply Officer for the due performance of the provisions of this order.

8. *Power to inspect premises and Call for records.*—The District Collector or District Supply Officer or any other person authorised by Government in this behalf may inspect the premises where tea is being stored and call for and inspect any register or account maintained by the dealer for the purpose of satisfying himself that the provisions of this Order are being complied with and it shall be the duty of the dealer to afford all necessary facilities for this purpose promptly and without fail.

9. *Contravention of provisions of this Order.*—(i) If the District Collector or any Officer of the Civil Supplies Department not below the rank of a District Supply Officer finds that a registered dealer has contravened any of the provisions of this Order or has furnished particulars in the fortnightly return which are not true, he may after giving the Registered dealer an opportunity of stating his case and for reasons to be recorded in writing, suspend or cancel the Certificate of Registration and/or order forfeiture of the whole or part of the amount deposited as security under Clause (7);

(ii) Any person aggrieved by an order passed under the above sub-clause may appeal within 30 days from the date of service of the order to the Commissioner of Civil Supplies.

(iii) The Government may call for and examine the records of any order passed by any subordinate authority under the provisions of this Order for the purpose of satisfying themselves about the legality and propriety of such an order and may pass such orders as they may deem fit:

Provided that no order to the disadvantage of a person shall be passed under this sub-clause unless the person concerned is given an opportunity of making a representation which he may wish to make against such an order.

FORM—A

[*See* Clause—4(i)]

Application form for Registration as a Dealer

1. Applicant's name and address :
2. Whether the applicant is a broker, commission agent, manufacturer or warehouse keeper:
3. Places where tea is stored or proposed to be stored :

   (Please furnish the building number of the warehouse and specify its location)
4. Total storage capacity for Tea under the control of the applicant :
5. Quantity of tea manufactured sold or handled during the past one year :
   (Please specify year)
6. Quantity of tea in the possession of the applicant on the date of application :

Place : Signature of applicant :

Date :

FORM —B

[*See* Clause 4 (ii)]

Certificate of Registration

No : ....

1. Subject to the provisions of the Kerala Tea (Registration of Dealers and declaration of Stocks) order, 1978 .... is hereby registered as a dealer in tea under Clause 4(ii) of the said order.

2. This certificate of Registration is valid until ....

3 The dealer shall carry on the aforesaid business at the following.
Place (s)

Corporation/Municipality/Panchayat

Ward

Place of business, with building No.

Place : *District Supply Officer.*

Date :

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Government of Kerala
1978

Reg. No. KL/TV/18

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Friday, 12th May 1978 / 22nd Vaisakha 1900 [No. 319

NOTIFICATION

UNDER SECTION 6 OF THE KERALA SURVEY AND BOUNDARIES ACT, 1961

No. B2-367/78. *9th May 1978.*

Whereas the Government have directed the survey of lands comprised in survey numbers noted below in Nenminikkara Village, Mukundapuram Taluk, it is hereby notified under sub-section (1) of section 6 of the Kerala survey and Boundaries Act, 1961 that survey operation will be started in the village soon and the survey numbers of the said village noted below will be demarcated and surveyed and that every person claiming to be interested in the registered lands situated within or adjoining the under mentioned lands is hereby invited to attend immediately either in person or by agent on the surveyor employed in the locality and also from time to time when called upon for the purpose of pointing out the boundaries and supplying information in connection therewith.

Under sub-section (2) of section 6 of the said Act, this notification shall be held to be a valid notice to every person having any interest in the said lands.

Under sub-section (3) of section 6 of the above said Act, all the registered holders are hereby required:—

(a) to clear within 15 days by cutting down or removing any trees, jungle, fences, standing crops or other material obstructions, the boundaries or other lines, the clearance of which may be necessary for the purposes of survey; and

(b) to provide labour at such time and for such periods as may from time to time be required by furnishing flag holders and chainmen; and

(c) to provide suitable survey marks and otherwise to give such assistance in the survey as may be demanded under the said Act or the rules made thereunder.

If any person fails to comply with these requisitions under clauses (a) to (c) mentioned above the work will be got done by employing hired labour and the cost thereof will be recovered from the defaulters as provided in the Act and rules made thereunder.

Details of lands

Block No.—119

District.—Trichur.

Taluk.—Mukundapuram. *Village.*—Nenminikkara.

Sy. No. 1275
,, 1309
,, 1320
,, 1322

(Sd.)

Trichur. *Special Tahsildar (L. A.), Railways.*

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1978

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (Municipal Special) Department

NOTIFICATION

G. O. Ms. No. 112/78/LA & SWD. *Dated, Trivandrum, 12th May, 1978.*

S. R. O. No. 421/78.—In exercise of the powers conferred by clause (15A) of Section 3 of the Kerala Municipal Corporations Act, 1961 (30 of 1961) the Government of Kerala hereby appoint the Commissioners of the Municipal Corporations of Trivandrum, Cochin and Calicut to be the election authorities within their respective Corporations.

By order of the Governor,

N. GOPALAKRISHNAN NAIR,
Special Secretary.

33/1592/MC.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purport).

According to clause 15(A) of Section 3 of the Kerala Municipal Corporations Act, 1961 "election authority" means such authority not being the Mayor or the Deputy Mayor or a Councilor as may be appointed by the Govrenment by notification in the Gazette. It has been decided that the Commissioners of the Municipal Corporations may be appointed as the election authorities for purposes of Section 3(15A) of the Act. This notification is intended to achieve the above object.

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